

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JERMAINE DANIEL ROBINSON,

Plaintiff,

v.

L. SMITH, et al.,

Defendants.

No. 2:22-cv-1595-EFB (PC)

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff, an individual in the custody of a state hospital, is proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983 and has filed an in forma pauperis application in which he states that he has \$2,500.00 in cash. ECF No. 2 at 2.

The court may authorize the commencement of an action “without prepayment of fees or security therefor” by an individual who submits an application evidencing an inability to pay such fees or give security therefor. 28 U.S.C. § 1915(a). Plaintiff has made an inadequate showing of indigency in the application before the court. It will therefore be recommended that the application to proceed in forma pauperis be denied and that plaintiff be required to pay the \$402.00 before this action can proceed.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall randomly assign a United States District Judge to this action.

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1 IT IS FURTHER RECOMMENDED that:

2 1. Plaintiff's motion for leave to proceed in forma pauperis, ECF No. 2, be DENIED; and

3 2. Plaintiff be ordered to pay the \$402 filing fee within fourteen days from the date of any
4 order adopting these findings and recommendations and be warned that failure to do so will result
5 in the dismissal of this action.

6 These findings and recommendations are submitted to the United States District Judge
7 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
8 after being served with these findings and recommendations, any party may file written
9 objections with the court and serve a copy on all parties. Such a document should be captioned
10 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections
11 within the specified time may waive the right to appeal the District Court's order. *Turner v.*
12 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

13 Dated: November 2, 2022.

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15 EDMUND F. BRENNAN
16 UNITED STATES MAGISTRATE JUDGE
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